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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/816,556 | 03/23/2001 | Brian W. Bramlett | 5038-77 | 7122 |

7590

09/25/2003

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EXAMINER

VU, KIEU D

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2173

DATE MAILED: 09/25/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/816,556

Applicant(s)

BRAMLETT, BRIAN W.

Examiner

Kieu D Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification

1. The specification is objected since it does not contain the serial numbers and filing dates of the relating applications listed in pages 1-3.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6, 8-16, and 18-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Nuovo et al ("Nuovo", USP 6097964).

Regarding claim 1, Nuovo teaches selection device 1 comprising a display 3 designed to present a selection; and a selector 10 operable in two independent axes, a first axis (rotation axis of the roller body) for changing the selection and a second axis for acceptance (press the roller) of the selection (line 63 of page 5 to line 3 of page 6).

Regarding claim 2, Nuovo teaches the first axis of the selector is a rotation axis (revolve the roller, col 5, line 67).

Regarding claim 3, Nuovo teaches that the display changes in relation to the rotation of the selector around the rotation axis (Fig. 10).

Regarding claim 4, Nuovo teaches that the selection opens a sub menu for further

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selection with the selection device (col 11, lines 22-24).

Regarding claim 5, Nuovo teaches the selection is designed to scroll across the display (68 in Fig. 10).

Regarding claim 6, Nuovo teaches comprising interconnection means for interconnecting the selection device with a second device to exchange data (phone network device, col 5, lines 24-29)

Regarding claims 8-9, Nuovo teaches that the interconnection means includes a wireless transmitter and wireless receiver (col 5, lines 24-29).

Regarding claims 10 and 20, Nuovo teaches a method for using a selection device 10, the method comprising navigating a menu (Fig. 10) using the selection device, the menu including at least one selection, the selection device operable in two independent axes, a first axis (rotation axis of the roller body) for changing a selection and a second axis for acceptance or rejection of the selection (col 11, lines 22-24); displaying the selection in a display (Fig. 10); and performing an operation responsive to the selection (Redial 72).

Regarding claims 11 and 21, Nuovo teaches the navigating a menu includes changing the selection as the selection device is operated along the first axis (Scroll the list).

Regarding claims 12 and 22, Nuovo teaches the including accepting the selection as the selection device is operated along the second axis (depress the roller body).

Regarding claims 13 and 23, Nuovo teaches updating the display as the selection changes (changing the highlight upon changing the selection in Fig. 10).

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Regarding claims 14 and 24, Nuovo teaches the scrolling the display in an up/down direction as the selection device is operated along the first axis (col 11, lines 22-24).

Regarding claims 15 and 25, Nuovo teaches scrolling the display in a left or right direction (move cursor between Names and Menu in Fig. 10).

Regarding claims 16 and 26, Nuovo teaches communicating with a second device (phone network device, col 5, lines 24-29).

Regarding claim 18, Nuovo teaches the including wirelessly communicating with a second device (col 5, lines 24-29).

Regarding claims 19 and 29, Nuovo teaches the menu includes at least two levels (menu and menu structure; and performing an operation includes opening a second level of the menu (col 11, lines 22-35)

Claim Rejections - 35 USC § 103

4: The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7 and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Nuovo and Jasinski et al ("Jasinski", USP 5063289).

Regarding claims 7, 17, and 27, Nuovo does not teach the cable to connect the device to a second device. However, such feature is known in the art as taught by Jasinski. Jasinski teaches a combined mouse and trackball which comprises the cable 33 to connect the device with a computer (col 2, lines 66-67). It would have been

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obvious to one of ordinary skill in the art, having the teaching of Nuovo and Jasinski before him at the time the invention was made, to modify the device taught by Nuovo to include the cable connection taught by Jasinski with the motivation being to enable the data transmission between the two devices.

6. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach about trackball operation and menu selection which relate to the claimed invention.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu whose telephone number is (703-605-1232). The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703- 308-3116).

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-746-7238 (After Final Communication)

or

(703)-746-7239 (Official Communications)

(703)-746-7240 (For Status Inquiries, draft communication)

and / or:

(703)-746-5639 (use this FAX #, only after approval by Examiner, for

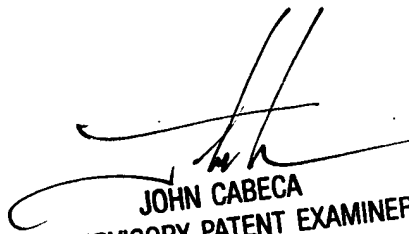
"INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions)

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

Kieu D. Vu

September 15, 03.



JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100